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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/295,935

Applicant(s)

STECYK ET AL.

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-46 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1 Applicant's arguments, see Remarks, filed 06/13/05, with respect to claims 1-46 have been fully considered and are persuasive. The finality of the last office action has been withdrawn. However, after further consideration a new office action is hereby being made with **Ellis et al (6,732,367)** previously cited. This office action is made Final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1- 18, 33, 37-39 and 40-41 are rejected under 35 U.S.C. 102(e) as being anticipated by **Ellis et al (6,732,367)** previously cited.

As to claims 1-12, note the Ellis reference figures 1-6, disclose an interactive television program guide (IPG) system with title and description blocking and further disclose a method of supervising personal exposure to a consumer electronics device (User television Equipment 'User-TVE' 32) having a V-chip, the method comprising:

receiving program signal (Receiver of User-TVE 'Rec-User-TVE' 32, fig. 1 and col. 4, lines 19-59) suitable for conversion by the consumer electronics device (User-TVE 32) into user discernible information; receiving a content-based indicator (Rating, col. 6, line 40-col. 7, line 10) indicative of the content of the user discernible information and timing information (IPG includes timing information and rating or subject matter category, col. 6, lines 40-62 and col. 7, line 43-col. 8, line 19) indicative of the reference time; note the User-TVE 32 includes STB 34, VCR 36, TV 38, PC/TV, etc., (col. 5, lines 1-30) which receives the IPG data and rating information transmitted from TV facilities 26 via link 28, satellite, telephone, cable or any suitable communications path and stores or processes data on the fly (col. 4, lines 53-67);

selecting a content-based specification (User via Remote Control 'RC' 40, wireless keyboard, a data entry system, etc., to select desired Rating, col. 5, lines 3-6 and col. 6, line 40-col. 7, line 10) and a first finite time range specification (user specified time period(s), such as evenings, etc., figs. 9, 11, col. 9, lines 17-61, col. 10, line 66-col. 11, line 15 and lines 50-59) associated with the selected content-based specification (channel, program title, etc.), RC 40 is used to perform the necessary user interaction to the IPG, such as blocking/unblocking, locking/unlocking or disabling/enabling subject matter category or objectionable material or adult programs and selecting specific time period(s);

comparing (Microprocessor 'MC' of User-TVE 32, col. 5, lines 7-9 and col. 6, line 40-col. 7, line 25 and lines 43-57) the finite time range with the reference time (the 24 hour period within the day or the current time); allowing user review of the user

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discernible information without user input or comparison of received content-based indicator (Rating) with a content-based specification (User selected Rating) if the reference time is outside the first finite time range specification (note that the parent can block/unblock, lock/unlock or disable/ enable, etc, programs as desired and MC generates blocking signal to block programs within a restricted time period(s), MC further automatically make available to the parent all programs after the restricted time period (col. 10, line 66-col. 11, line 14 and lines 50-59) furthermore, MC also replace the restricted programs with other unobjectionable programs, figs. 8-11, col. 8, line 49-col. 9, line 16 and lines 29-61);

comparing (MC) the selected content-based specification with the received content based indicator when the reference time falls within the first finite time range specification and impairing (MC) the program signal if the received content-based indicator exceeds the content-based specification (col. 6, line 40-col. 7, line 25 and lines 43-57), note also the control program in MC identifies the programs and the selected rating data in the program listings, using keyword with the text of the program listings, and compares the subject matter categories and if it matches the selected subject matter category, blocks the subject matter category or the program(s) accordingly within the restricted time period(s) (col. 6, lines 40-63, col. 7, lines 1-10 and lines 43-52) and generates timing information to restrict subject matter category or the program(s) within a selected time period(s).

As to claim 13, the claimed "a method of supervising the exposure to a consumer electronics device having a V-chip...comprising..." is composed of the same structural elements of rejected claim 1.

As to claim 14, Ellis further discloses where the program signal, is impaired by scrambling the program signal (col. 6, lines 40-62, col. 7, lines 1-25 and lines 43-52).

Claim 15 is met as previously discussed with respect to claim 1.

As to claim 16, Ellis further discloses where the one or more selected time range specifications repeat for each day of a workweek (col. 10, line 66-col. 11, line 15 and lines 41-59).

Claims 17 and 18 are met as previously discussed with respect to claim 1.

Claim 33 is met as previously discussed with respect to claim 1

Claims 37-39 are met as previously discussed with respect to claim 1.

Claims 40-41 are met as previously discussed with respect to claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-32, 34-36 and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ellis et al (6,732,367)** in view of **Leung et al (2002/0095673)**.

As to claims 19-24, note the Ellis reference figures 1-6, disclose an interactive television program guide system with title and description blocking and further disclose a recordable medium and a system for a consumer electronics device (User television Equipment 'User-TVE' 32) having a V-chip comprising:

a computer program comprising steps for:

receiving program signal (Receiver of User-TVE 'Rec-User-TVE' 32, fig. 1 and col. 4, lines 19-59) suitable for conversion by the consumer electronics device (User-TVE 32) into user discernible information; receiving a content-based indicator (Rating, col. 6, line 40-col. 7, line 10) indicative of the content of the user discernible information and timing information (interactive program guide 'IPG' includes timing information and rating or subject matter category, col. 6, lines 40-62 and col. 7, line 43-col. 8, line 19) indicative of the reference time; note the User-TVE 32 includes STB 34, VCR 36, TV 38, PC/TV, etc., (col. 5, lines 1-30) which receives the IPG data and rating information transmitted from TV facilities 26 via link 28, satellite, telephone, cable or any suitable communications path; where the STB 34 includes a non-volatile memory (Storage col. 4, lines 55-67) coupled to a logic unit (Microprocessor 'MC') for storing selected time period(s) and rating, where MC is coupled to a signal impairing mechanism and configured to selectively pass a received program signal without substantial impairment or impairing the program signal (col. 6, lines 1-17, line 45-col. 7, line 10);

selecting a content-based specification (User via Remote Control 'RC' 40 selects desired Rating, col. 6, line 40-col. 7, line 10) and a first finite time range specification (user specified time periods, such as evenings, etc., figs. 9, 11, col. 9, lines 17-61, col.

10, line 66-col. 11, line 15 and lines 50-59) associated with the selected content-based specification (channel, program title, etc.), RC 40 is used to perform the necessary user interaction to the IPG, blocking, unblocking, locking, unlocking or disabling and enabling objectionable or adult programs and also selecting specific time period(s);

comparing (Microprocessor 'MC' of User-TVE 32, col. 5, lines 7-9 and col. 6, line 40-col. 7, line 25 and lines 43-57) the finite time range with the reference time (the 24 hour period within the day or the current time); allowing user review of the user discernible information without user input or comparison of received content-based indicator (Rating) with a content-based specification (User selected Rating) if the reference time is outside the first finite time range specification (note that the parent can block/unblock, lock/unlock or disable/ enable, etc, programs as desired and MC generates blocking/unblocking, blocking signal "first signal" to block programs within a restricted time period(s) and unblocking signal "second signal" to automatically make available to the parent all programs after the restricted time period (col. 10, line 66-col. 11, line 14 and lines 50-59) furthermore, MC also replace the restricted programs with other unobjectionable programs, figs. 8-11, col. 8, line 49-col. 9, line 16 and lines 29-61);

comparing (MC) the selected content-based specification with the received content based indicator when the reference time falls within the first finite time range specification and impairing (MC) the program signal if the received content-based indicator exceeds the content-based specification (col. 6, line 40-col. 7, line 25 and lines 43-57), note also the control program in MC identifies the programs and the selected

rating data in the program listings, using keyword with the text of the program listings, and compares the subject matter categories and if it matches the selected subject matter category, blocks the subject matter category or the program(s) accordingly within the restricted time period(s) (col. 6, lines 40-63, col. 7, lines 1-10 and lines 43-52) and generates timing information to restrict subject matter category or the program(s) within a selected time period(s).

Ellis teaches disabling/enabling a rating circuitry without user input, but fails to explicitly teach disabling V-chip.

However, not Leung reference figures 1-3, disclose apparatus and method for parental control using V-chip plus+ and master password, where the V-chip can be enabled/disabled or turn ON/OFF (fig. 23, page 3, [0052-0054]; page 10, [0118-0119]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Leung into the system of Ellis to include a standard v-chip circuitry with enabling/disabling functions and provide services to users' with standard V-chip circuitry.

As to claim 25, the claimed "a consumer electronics device having a V-chip... comprising..." is composed of the same structural elements of rejected claim 19.

As to claim 26, Ellis further discloses TV 38 "an output device coupled to the signal impairment mechanism of STB 34 for transferring the program signal into the user discernible information (col. 6, lines 1-30).

As to claims 27-28, Ellis further discloses RC 40, user input interface, such as wireless keyboard, mouse, etc., (col. 5, lines 3-6 and col. 6, lines 18+) "a data entry

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system" for selectively inputting the first content-based specification and associated first finite time range specification into the non-volatile memory for storage, which includes a look-up lost for storing a plurality of content-based specifications and associated finite time range specifications, which are pre-programmed by the manufacturer of User-TVE 32 (col. 4, lines 55-67 and col. 6, line 40-col. 7, line 25).

As to claim 29, Ellis further teaches where the IPG data, includes reference time and ratings as previously discussed with respect to claim 19, furthermore STB inherently includes an extracting device, such as a decoder coupled to the MC for extracting the rating and reference time from the program signal (col. 4, lines 55-67 and col. 6, line 40-col. 7, line 25).

As to claim 30, the claimed "a switch..." is met by MC of STB 34.

Claim 31 is met as previously discussed with respect to claim 26.

Claim 32 is met as previously discussed with respect to claims 27-28.

Claim 34 is met as previously discussed with respect to claims 27-28.

Claim 35 is met as previously discussed with respect to claim 19.

Claim 36 is met as previously discussed with respect to claim 19.

Claims 42-44 are met as previously discussed with respect to claim 19.

Claim 45 is met as previously discussed with respect to claim 19.

Claim 46 is met as previously discussed with respect to claim 19.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abecassis (5,724,472) discloses content map for seamlessly skipping a retrieval of segment of a video.

Shintani (5,751,335) discloses viewing restricting method and viewing restricting apparatus.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



Annan Q. Shang.



**VIVEK SRIVASTAVA
PRIMARY EXAMINER**